

# **EXHIBIT 14**

ORIGINAL

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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AMERICAN CIVIL LIBERTIES UNION, et al.,

Plaintiffs,

-against-

Case No.  
98-CV-5591

ALBERTO R. GONZALEZ, in his official  
capacity as Attorney General of the  
United States,

Defendant.

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-- DAILY COPY --

February 21, 2006  
9:40 A.M.

885 Third Avenue  
New York, New York

DEPOSITION of NERVE MEDIA, one of the  
Plaintiffs herein, by RUFUS GRISCOM, taken by  
the Defendant, pursuant to Notice.

ARISTA COURT REPORTING CO.  
192 Lexington Avenue  
Suite 802  
New York, New York 10016  
(212) 684-6100

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2 answer.

3 A. Yeah, that does it because there  
4 are more and more self-regulating pop-up  
5 blockers that people have on their own  
6 browsers. Pop-ups are becoming less effective  
7 every time as an advertising vehicle.

8 Q. Do some of your advertisers pay for  
9 links on your web page?

10 A. Yes, we have a text link section.

11 Q. Do you have any policy regarding  
12 what types of web sites you will allow to link  
13 to Nerve.com?

14 A. We do, yes. We, you know, we have  
15 guidelines about advertisers in general on the  
16 site, and we for instance do not accept  
17 advertising from marital aid companies that  
18 sell, you know, you know, you know, vibrators  
19 and dildos and that kind of thing. So, we  
20 don't accept that kind of advertising even  
21 though I might point out a lot of relatively  
22 conservative publications does have ads, ads  
23 for marital aids. We don't. We also don't  
24 accept, you know, what, you know, more explicit  
25 adult advertising on the site.

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2 Q. Do you not accept it in any form?

3 A. That our policy is not to accept  
4 it, yeah.

5 Q. Do you have any links now to any  
6 porn sites on Nerve.com?

7 A. There may be some. Well, first of  
8 all, you know, I think that the definition of  
9 what a porn site is, is rather hazy. It's not  
10 exactly clear to me what is and what isn't a  
11 porn site, but we have a policy of not linking  
12 to or accepting advertisements from sites that  
13 we believe reflect badly on our brand because  
14 we do have, you know, a number of very large  
15 mainstream advertisers and we don't want to  
16 scare them away, and also we don't want readers  
17 to sort of have the wrong impression of what  
18 our, of the context of our content.

19 But we certainly, you know, we  
20 certainly have linked to explicit web sites  
21 before particularly for covering something  
22 editorially, and so the answer is that, you  
23 know, it's not a totally clear black and white  
24 distinction for us, but we are careful of what  
25 we accept.

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2 of is, you know, it's somewhat different in the  
3 sense that titillation tends not to be the  
4 primary objective of any of our content whether  
5 it's photography or writing.

6 That said a lot of it is very  
7 explicit and may be titillating. There's  
8 little doubt in my mind that within, you know,  
9 our readers definitely see our content as  
10 being, you know, very smart, you know, serious,  
11 award-winning content. However, the average  
12 American would probably see our content as  
13 being very different. So, we're tuned into the  
14 interest of our readers and our advertisers are  
15 in sort of somewhat the same community.

16 Q. Is it fair to say, then, that  
17 Nerve.com is not designed to appeal to the  
18 prurient interest of the readers?

19 MR. WIZNER: Objection. Calls for  
20 a legal conclusion. Objection, vague.  
21 You can answer.

22 A. I think it does appeal to prurient  
23 interests. I think that, you know, perhaps a  
24 better way of saying it is we're interested in  
25 both titillating, which I sometimes refer to as

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Q. Have you purchased ads anywhere?

A. Not traditional advertising.

We've, you know, we've done a few very small promotions on other web sites totalling less than ten thousand dollars of expense.

Q. What web sites?

A. Fark is a sort of what's cool kind of web site. So, we've made some very small participatory --

Q. Any other web sites?

A. Not to my knowledge, no.

Q. Have you ever placed an ad with any pornographic web sites?

A. No, certainly not.

Q. Have you ever placed a link to Nerve.com on any pornographic web sites?

MR. WIZNER: I'm going to object as vague, but you can answer.

A. No. I mean they -- when you say place a link, there are many, many sites that link to us, but we don't, you know. I don't know what you mean when you say place a link.

Q. Have you taken any steps to associate yourself with any pornographic web

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2 sites?

3 MR. WIZNER: I'm going to have a  
4 running objection as vague, but go ahead  
5 and answer.

6 A. No.

7 Q. Does Nerve have any business  
8 partnerships with other companies?

9 A. Sure. Yeah, we do.

10 Q. Could you explain further?

11 A. Well, I mean one example would be  
12 that we have, you know, there's a mobile phone  
13 content distribution company called Mobile  
14 Play, so Nerve content is syndicated on Mobile  
15 Play along with other content providers'  
16 content.

17 We've syndicated some of our  
18 columns, some of our content on our web site  
19 including Lava Light and Chicago Sun Times.

20 Q. What about your personal ad  
21 section, do you partner with other companies  
22 for that service?

23 A. Yes. We actually, we -- I  
24 co-founded and was chairman of a little  
25 technology company called Spring Street Network

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2 Q. I'll move on.

3 Let's turn now to Page 108 in  
4 Exhibit A where it lists awards that Nerve.com  
5 has won. Would you mind just reading this list  
6 of awards here?

7 A. You're going to make me blush.  
8 2004 for Best of the Web Selection. 2004 for  
9 American Photography I think it's 2.0 Award.  
10 2001 Glad Outstanding Digital Journalism Award.  
11 2001 Webbie Judges Award Print and Design.  
12 2000 Marble Magazine Award Nominee Online  
13 Design. 1999 Entertainment Weekly's 30 Most  
14 Beautiful Sites Selections.

15 Q. Have you ever received any other  
16 awards?

17 A. Yeah, actually the one that we're  
18 most excited about is the last year 2005 we  
19 were one of five finalists for the National  
20 Magazine Award For General Excellence Online.

21 Q. Who else was nominated?

22 A. The other nominees were an Atlantic  
23 Monthly, Consumer Reports, Business Week and  
24 Style.com.

25 Q. You must be pleased to be grouped



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2 A. That's right.

3 Q. You've never been threatened with  
4 any investigation or prosecution for any  
5 reason?

6 A. That's correct.

7 Q. You've also said that you think the  
8 content on your web site has serious value for  
9 minors; is that correct?

10 MR. WIZNER: Objection.

11 Mischaracterizes the testimony, but you  
12 can answer.

13 A. No, I don't think that's correct.  
14 I think what I've said is I think it has the  
15 value for some minors, which is to say older  
16 minors who appreciate, you know, our content,  
17 but I think that there are younger minors for  
18 whom, you know, it does not have artistic value  
19 and older minors that adults who, you know,  
20 don't get it.

21 Q. I'd like to look through some of  
22 the pages that you cited in either the Amended  
23 Complaint or in your Response to Interrogatory  
24 13 pages for which you said you fear  
25 prosecution under COPA. The first one I'd like